

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15560 of Unfoldment, Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 210 to establish a community center for a nonprofit community based education organization, basement through second floor in an R-2 District at premises 3825 South Capitol Street, S.W., (Square 6129, Lot 826).

HEARING DATE: October 9, 1991
DECISION DATE: October 9, 1991 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8D and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8D. ANC 8D, which is automatically a party to the application, filed a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 210. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that granting the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, SUBJECT to the following **CONDITIONS**:

1. Use of the premises shall be by a nonprofit community based education organization. The number of employees shall not exceed ten (10).
2. The hours of operation shall not exceed from 8:00 A.M. until 7:00 P.M. Monday through Friday.
3. There shall be no weekend activities conducted at the site.

APPLICATION NO. 15560

PAGE NO. 2


4. No articles of commerce shall be offered for sale at the site.
5. The trash storage and pick-up area shall be located on the Second Street frontage of the property.
6. Trash shall be collected at least once per week.
7. The applicant shall initiate a liaison with the community and participate in a community dialogue either once or twice a year.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the Order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: NO

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT




APPLICATION/APPEAL NO. 15560

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated NOV 19 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Stephanie Rones, Legal Counsel
Unfoldment, Inc.
2605 Wade Road, S.E.
Wash, D.C. 20020

Kemi Morten, Esquire,
President, Unfoldment, Inc.
2605 Wade Road, S.E.
Wash, D.C. 20020

Mr. O.V. Johnson, Chairperson
Advisory Neighborhood Commission 8-D
153 Galveston Place, S.W., #5
Washington, D.C. 20032


MADELIENE H. ROBINSON
Acting Director

DATE: NOV 19 1991